IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20660 of 2004

Between:

Smt. Muppidi Rama Devi, W/o. Late Muppidi Ranga Reddy,
R/o.H.No. 8-2-269/S/39, Sagar Cooperative Housing Society, Road No. 2,
Banjara Hills, Hyderabad.

..... PETITIONER

AND

1 The District Collector, Hyderabad District.
2 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad District.
3 The Deputy Collector, Land Acquisition (General), Hyderabad.
4 Smt. Rekha Rani, W/o. Late Pardesi Naidu,
The Deputy Collector, Land Acquisition (General),
Hyderabad.
5 The Commissioner & Special Officer, Municipal Corporation of

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner over her property admeasuring 239.86 sq. yards, bounded on North by Road, South by property bearing H.No. 8-2-269/3/6, (C.P.Roy's Residence) East by 60' wide Road and West by property bearing H.No. 8-2-269/S/53, situated at Sagar Mutually Aided Cooperative Housing Society, Road No. 2, Shaikpet Village, Banjara Hills, Hyderabad (Schedule Property) is illegal, arbitrary and without jurisdiction

besides violative of Article 21 of Constitution of India.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Petitioner, claiming to be the absolute owner and possessor of property admeasuring 239.86 sq. yards situated at Sagar Mutually Aided Cooperative Housing Society, Road No.2, Shaikpet village, Banjara Hills, Hyderabad, after obtaining building permission for construction of commercial shops in the ground floor and residential portions in the first and second floors, started construction. While so, the authorities of the first and the second respondent tried to interfere with the construction. Hence, the petitioner filed O.S.No.2070 of 2002 in the Court of the X Junior Civil Judge, City Civil Court, Hyderabad and obtained injunction order and consequently he proceeded with the further construction. Despite the interim orders, the respondents are interfering with his possession over the schedule property. In the meanwhile, the fourth respondent, who is in no way concerned with the petitioner, with the assistance of the officials of the fifth respondent, came to the property in question and threatened the petitioner and taken away the construction equipment. Hence the writ petition.

Heard learned counsel on either side.

Having perused the material available on record and having heard the learned counsel on either side, it is explicitly clear that respondents 1 and 2 are interfering with the construction of the petitioner. Since the petitioner had already obtained an injunction against respondents 1 and 2, it is always open to him to seek the relief against them in the pending suit itself. As the fifth respondent, Commissioner and Special Officer, Municipal Corporation of Hyderabad, is interfering with the construction of the petitioner, on the ground that the permission granted is expired on lapse of one year, contrary to the provisions of the Municipal Corporation Act, it is directed that until the petitioner

is intimated the action proposed, and speaking orders are passed, the fifth respondent-Municipal Corporation shall not interfere with the construction of the petitioner, which is proceeded in accordance with the sanctioned plan.

With the above observations, the writ petition is disposed of.

16.11.2004

ksld

To

1 The District Collector, Hyderabad District.
2 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad District.
3 The Deputy Collector, Land Acquisition (General), Hyderabad.
4 The Commissioner & Special Officer, Municipal Corporation of

Hyderabad.

5 Two CCs. to the Govt,. Pleader for Revenue, High Court of

sA.P.(OUT)

6 Two CD copies.